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Supreme Court of the United States

OCTOBER TERM, 1950

No. 149

STATE OF OHIO on the relation of
JOSEPH M. GREISIGER, et al.,

Petitioners,

v.

GRAND RAPIDS BOARD OF EDUCATION, et al.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
SUPREME COURT OF THE STATE OF OHIO

MOTION FOR LEAVE TO FILE OUT OF TIME A PETITION FOR REHEARING

HAYDEN C. COVINGTON

Counsel for Petitioners

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MAY IT PLEASE THE COURT:

Now come the petitioners and move the Court for an order allowing them to file out of time the accompanying petition for rehearing.

REASONS

Within the time to file following the decision of this Court denying the petition for writ of certiorari on October 9, 1950, the petitioners had no grounds for filing a petition

for rehearing under Rule 33 (2) of the Rules of this Court. Since the rendering of that order (71 S. Ct. 51) circumstances of substantial or controlling effect have intervened the rendition of the order which require the Court to allow the filing of a petition for rehearing out of time pursuant to Rule 33 (2). These reasons are set forth in the accompanying petition and the Court is referred to the petition. It is made a part of this motion. Authority for the granting of this motion is *Zapp* v. *United States*, 330 U. S. 800, where the motion to file out of time and accompanying petition were granted, and *Falbo* v. *United States*, 322 U. S. 770, where the motion to file out of time was granted but the petition was denied.

CONCLUSION

Wherefore petitioners pray that this Court exercise its discretion and that, upon consideration, it grant them leave to file the petition for rehearing which accompanies this motion.

JOSEPH M. GREISIGER,
LLOYD PUSE,
CLIFFORD H. SMITH,
CARL MASELL,
RICHARD E. KREBS,
WILLIAM E. WIENEKAMP, and
JOSEPH M. GREISIGER, JR.,

By

HAYDEN C. COVINGTON

124 Columbia Heights
Brooklyn 2, New York

Counsel for Petitioners

CERTIFICATE

The undersigned counsel for petitioners hereby certifies that the foregoing motion for leave to file the petition for rehearing out of time is prepared and filed in good faith in order that justice may be done, and not for purpose of delay.

HAYDEN C. COVINGTON
124 Columbia Heights
Brooklyn 2, New York
Counsel for Petitioners

FILED
APR 9 19
CHARLES ELMORE

IN THE

Supreme Court of the United States

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vs.

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Respondents.

RESPONSE OF RESPONDENTS TO PETITIONERS' MOTION FOR LEAVE TO FILE PETITION OUT OF TIME AND TO PETITION FOR REHEARING.

BOWMAN, HANNA & MIDDLETON,
BY MARTIN L. HANNA,
FLOYD A. COLLER,
Bowling Green, Ohio,
Counsel for Respondents.

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